

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HONG YUAN LI,

Petitioner,

Hon. Wendell A. Miles

v.

Case No. 4:05-cv-68

174 FEDERAL BUILDING
COURT HOUSE
KALAMAZOO, MICHIGAN,

Respondent.

ORDER

This matter is before the Court on Li's Petition for Writ of Habeas Corpus. (Dkt. #1).

For the reasons discussed below, the Court orders that Li's petition be **dismissed without prejudice**.

Li's petition is extremely vague and devoid of assertions of relevant fact. Nonetheless, it is apparent from Li's petition (and the attachments thereto) that he is being detained by the United States Department of Immigration and Customs Enforcement (ICE) for some unidentified purpose related to his status as an alien.

Li has asserted the present action against the Kalamazoo Federal Courthouse. The United States Supreme Court has held, however, that "the proper respondent to a habeas petition is 'the person who has custody over [the petitioner].'" *Rumsfeld v. Padilla*, 124 S.Ct. 2711, 2717 (2004). The Court offers no opinion on who the proper respondent is in this matter, except to note that the Kalamazoo Federal Courthouse is not "the person who has custody over" Petitioner.

Accordingly, the Court orders that Li's petition be dismissed without prejudice for failure to identify the proper respondent. Because the dismissal of Li's petition is without prejudice, however, Li is not precluded from re-filing another petition against the proper respondent.

IT IS SO ORDERED.

Date: September 30, 2005

/s/ Robert Holmes Bell

Robert Holmes Bell
Chief United States District Judge
for
Wendell A. Miles
Senior United States District Judge